

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MARK MILLER,  
Petitioner,  
v.  
DAN PACHOLKE,  
Respondent

Case No. C08-5138BHS

**ORDER DENYING  
APPLICATION TO PROCEED  
IN FORMA PAUPERIS**

The Court, having received Petitioner's filing fee (Dkt. 4) and having reviewed the Report and Recommendation (Dkt. 6), Petitioner's application to proceed in forma pauperis (Dkt. 1), Petitioner's letter indicating that he was mistaken when he filed the application (Dkt. 13), and the remaining record, hereby finds and **ORDERS**:

- (1) the Magistrate Judge's Report and Recommendation (Dkt. 6) is approved and adopted;
- (2) Petitioner's application to proceed in forma pauperis (Dkt. 1) is **DENIED**.
- (3) The Clerk is directed to send copies of this Order to Petitioner.

DATED this 16th day of April, 2008.

  
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**BENJAMIN H. SETTLE**  
United States District Judge

## ORDER